

CHAPTER NO. 900

SENATE BILL NO. 2953

By Black, Curtis S. Person, Jr., Tracy

Substituted for: House Bill No. 3061

By Maggart, Swafford, Lynn, Niceley, Harry Brooks, Bunch, Stanley, Eldridge, John Deberry, Henri Brooks, Moore, Marrero, Casada, Overbey, Yokley, Sontany, Langster, Pruitt, Curtis Johnson, Todd, Gresham, Campfield, DuBois, Baird, Strader, Ferguson

T to amend Tennessee Code Annotated, Section 39-15-404; Section 57-3-412; Title 57, Chapter 4, Part 2 and Title 57, Chapter 5, Part 3, relative to furnishing alcohol to minors or enticing minors to procure alcohol.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-15-404, is amended by deleting the section in its entirety and substituting instead the following:

(a) Except as provided in § 39-15-413:

(1) It is an offense for a person to persuade, entice or send a minor to any place where alcoholic beverages, as defined in § 57-3-101(a)(1)(A), or beer, as defined in § 57-5-101(b), are sold, to buy or otherwise procure alcoholic beverages or beer in any quantity, for the use of the minor, or for the use of any other person; and

(2) It is an offense for a person to give or buy alcoholic beverages or beer for or on behalf of any minor or to cause alcohol to be given or bought for or on behalf of any minor for any purpose.

(b) As used in this section, "minor" means a person under twenty-one (21) years of age;

(c) It is an affirmative defense to prosecution under this section that any person accused of giving or buying alcoholic beverages or beer for a minor acted upon a reasonably held belief that the minor was of legal age. Such belief may be acquired by virtue of the minor making a false statement or presenting false identification that indicates that the minor is twenty-one (21) years of age or older.

(d) A violation of subsection (a) is a Class A misdemeanor and, in addition to the penalties authorized by § 40-35-111, the offender shall be sentenced to one hundred (100) hours of community service work. In addition to the above penalties established in this section, the court having jurisdiction over the offender may, in its discretion, prepare and send an order for denial of the offender's driving privileges to the Department of Safety, driver control division. Such offender may apply to the court for a restricted driver license, which may be issued in accordance with the provisions of § 55-50-502. In the event an offender does not possess a valid driver license, the court having jurisdiction over the offender may, in its discretion, increase the offender's sentence to a maximum of two hundred (200) hours of community service work.

(e) If a person engages in conduct that violates this section, as well as any other section, nothing in this section shall be construed to prohibit the prosecution and conviction of such person under this section or any other applicable section.

(f) Nothing in this section shall be construed to affect the provisions of § 57-10-101 and § 57-10-102 in any way whatsoever.

SECTION 2. Tennessee Code Annotated, Section 57-5-301(d), is amended by deleting subdivision (2) in its entirety and substituting instead the following:

(2) Any person who purchases any such beverage for or on behalf of a person under twenty-one (21) years of age commits a Class A misdemeanor and, in addition to the punishment authorized by § 40-35-111, shall be punished pursuant to § 39-15-404.

SECTION 3. Tennessee Code Annotated, Section 57-4-203(b)(1), is amended by deleting subdivision (A) in its entirety and substituting instead the following:

(A) Any licensee or other person who sells, furnishes, disposes of, gives, or causes to be sold, furnished, disposed of, or given, any alcoholic beverage to any person under twenty-one (21) years of age commits a Class A misdemeanor and shall be punished in accordance with § 39-15-404, as well as any other applicable section.

SECTION 4. Tennessee Code Annotated, Section 57-3-412(a)(4), is amended by deleting the language "and by not more than thirty (30) days of community service work" wherever it appears and substituting instead the language "plus all penalties imposed by § 39-15-404".

SECTION 5. This act shall take effect July 1, 2006, the public welfare requiring it.

PASSED:
May 26, 2006

APPROVED this 20th day of June 2006


JOHN S. WILDER
SPEAKER OF THE SENATE


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


PHIL BREDESEN, GOVERNOR